People, not ordinances, change attitudes

Division remains over gay rights

By **Rich Tosches**
Gazette Telegraph

By striking down Amendment 2 on Tuesday, Denver District Court Judge Jeffrey Bayless set in motion a process that may change the legal landscape for gays and lesbians.

But history suggests the legal ruling will not quickly change people's opinions on gay rights. That's because gay rights and homosexuality are intensely personal subjects, woven as they often are into the fabric of one's views on religion and morality.

Just like abortion, those who track public opinion say.

The Gallup Poll studied the reaction in recent years to Roe vs. Wade, the U.S. Supreme Court's landmark abortion ruling. Their survey showed gradual changes in the public's beliefs about abortion after the 1973 ruling, which prohibited states from restricting a woman's right to an abortion during the first three months of pregnancy.

But even the gradual change was slight: 22 percent of those polled in 1975 said abortions should be illegal under all circumstances. By 1991, 14 percent agreed with that.

For opponents of Amendment 2 who see a similar volatility between abortion rights and gay rights, slow change is better than no change.

"No law or ruling will obliterate all forms of discrimination," said Lawrence Pacheco of pro-gay Equality Colorado, based in Denver. "When people start to know other people who are gay or lesbians, really get to know them, that's when attitudes will change. No law or court decision will force people not to discriminate. But laws do, I believe, set some persuasion in gear."

Glenn Lammi, an attorney with the Washington, D.C., Legal Foundation, a nonpartisan think tank, said there is truth in the legal adage, "Where the law goes, the mind follows."

But he, too, said such change is sometimes so slow as to be imperceptible.

"Depending on the importance of the decision, court rulings do push people's opinions on some issues," he said.

Not all agree.

"This ruling or any subsequent rulings on homosexuality won't change anyone's opinions," said the Rev. A. Bernhard Kuiper of Village Seven Presbyterian Church, a staunch opponent of gay rights. "When the Bible tells me that homosexuality is a gross sin against God and society, then it makes no difference whether a thousand judges tell me it's OK. Sin is sin.

"This ruling will wake up the sleeping giant, the sleeping giant that is the majority of the people in this country who will not tolerate this sort of thing."

Taking a similar stance is Tom Minnery, vice president of public policy for Focus on the Family.

"Amendment 2 was passed by 53 percent of the Colorado voters," he said. "Today, after so much adversity, a poll shows that 58 percent of Colorado voters oppose the repeal of Amendment 2. I think public opinion for this measure is strengthening.

"There can be slow change in public opinion on some matters after legal rulings, but in the case of severe injustices, what you will see is a groundswell against it."

Some see events like Tuesday's court decision clearing the way for more tolerance of gays. But not by everyone.

"When people feel very, very strongly about something, logical arguments do not sway them," said Rita Ague, head of the Colorado Springs-based Minority Coalition, which advocates anti-discrimination laws for gays.

"In fact, such arguments tend only to further polarize the extremists on the two sides of the issue. . . .

"But those on the middle ground still have open minds. They will listen to logical arguments. And when the laws change, these people will move to accommodate the law."

WHAT THE JUDGE WROTE

Here are some excerpts from Judge Jeffrey Bayless' opinion released Tuesday finding Amendment 2 unconstitutional:

"THE EVIDENCE PRESENTED does not satisfy this court that there is militant gay aggression in this state which endangers the state's political functions."

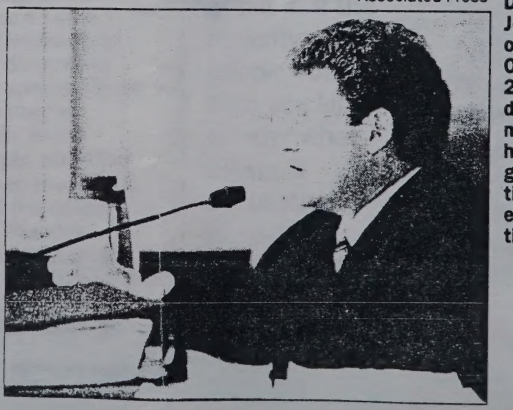
"THIS COURT CONCLUDES that the religious right to discriminate and the homosexuals' right to participate in the political process can co-exist."

"HOW DOES AMENDMENT 2, which impacts on fundamental rights of an identifiable family group, narrowly promote the goal of promoting family values? Seemingly, if one wished to promote family values, action would be taken that is pro-family rather than anti some other group."

"THIS COURT CONCLUDES there is a history of discrimination against homosexuals. The court cannot conclude, however, that homosexuals and bisexuals remain vulnerable or politically powerless and in need of 'extraordinary protection from the majoritarian political process' in today's society. Because the gay position has been defeated in certain elections, such as Amendment 2, is not a demonstration of political powerlessness. Gays and bisexuals, though small in number, are skilled at building coalitions, which is a key to political power."

"THE ULTIMATE DECISION of 'nature vs. nurture' is a decision for another forum, not this court, and the court makes no determination on the issue."

Associated Press



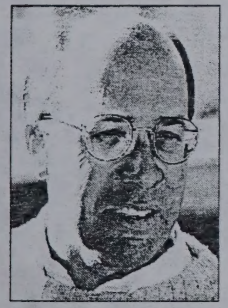
Denver District Judge Jeffrey Bayless resides over a hearing in October on Amendment 2. Bayless ruled Tuesday that the amendment, which would prohibit laws protecting gays from discrimination based on sexual orientation, is unconstitutional.

After the ruling

ABOVE: Katherine Pease, president of Gro[illegible] Zero, held a press conference at Poor Richard's on Tuesday to announce the lifting of the boycott of Colorado. Complete report/**A6**

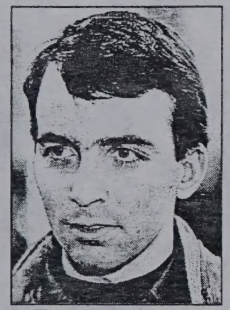
LEFT: Lawrence Pacheco, co-director of Equality Colorado, a Denver-based gay civil rights group, hugs John Camerio, right, after a news conference at the state Capitol in Denver on Tuesday. The [illegible] hugging each other over Denver District Judge Jeffrey Bayless' ruling that Amendment 2 unconstitutional. "We must continue to heal [illegible] about our lives, and live openly without shame," Pacheco said during the news conference.

"WHAT'S YOUR REACTION to the District Court judge's ruling that Amendment 2 is unconstitutional?"



"I'm disappointed that the people would vote for that amendment and then, because of the media and support toward gays, that they would find a judge that would find it unconstitutional. What happens now?"

Stephen Johnson, 44, writer

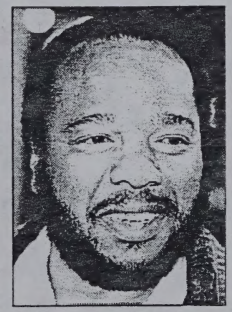


"The way it was written was too confusing. I don't think a lot of people knew what they were voting for."

Kyle Monson, 26, systems analyst

"It was not fair. Whatever people do is OK. It's all a matter of freedom of choice."

Raymond Matthews, 34, Memorial Hospital employee

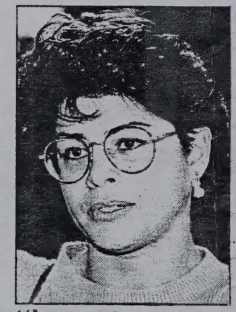


"I think all people should have rights. I don't like people who push for people not to have those rights."

Joe Tyler, 42, janitor

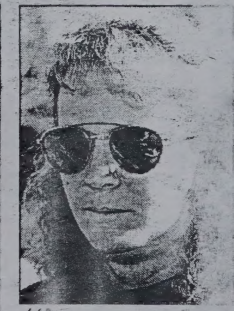
"I think (Amendment 2) was wrong because everyone can't be the same."

Theresa Fogg, 22, homemaker



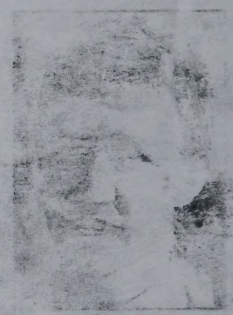
"I voted for Amendment 2 because I didn't think lesbians or gays deserve to have special rights. I think they've chosen their lifestyle, and they have to live with it. But if the courts have found it unconstitutional, then we have to live with it."

Sandra Summerer, 29, software engineer



"I'm upset about it. If the majority of people vote it in, then you kind of wonder what makes it unconstitutional."

Diane **Hungerford,** [illegible], homemaker



"[illegible] the way he did. These people are just trying to live their lives, and they should have that right."

Noah Johnson, dishwasher